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SUBJECT: KOSOVO: PASSAGE OF AHTISAARI LAWS NEARLY COMPLETED

Classified By: Chief of Mission Tina S. Kaidanow for Reasons 1.4 (b), (d).

11. (C) SUMMARY: Kosovo has made solid progress in passing the required Ahtisaari legislation, with the Assembly having pushed through 26 laws and the remaining five set to reach the Assembly the week of June 2. Important laws and regulations, not technically part of Ahtisaari but necessary for a smooth transition from UN authority, have also been dealt with under the same Ahtisaari expedited procedure. Though passage of these laws has generally been smooth and almost trouble-free, the highly symbolic Law on Official Holidays did see a contentious debate in the Assembly; it finally passed on May 23, but only by a small majority and after an emotional and bruising political fight. We and the International Civilian Office (ICO) will continue to team up to get the remaining legislation passed and then focus on implementation. END SUMMARY.

12. (C) With 26 laws passed and five more on the way, Kosovo has made solid progress on creating a core legal framework for independence to undergird the entry into force of its constitution on June 15. Laws on Publicly Owned Enterprises, the Kosovo Security Force (KSF), and the Kosovo Protection Corps (KPC) are in the final stages of drafting and are expected to be passed by June 15. Two more laws - on Foreigners (i.e. on immigration) and Early Retirement of KPC Members - are farther behind in the drafting process. Given its complexity, the Law on Restitution, the last of the Ahtisaari laws, will take far more time.

13. (C) Under Article 145.2 of Kosovo's constitution, UNMIK regulations and laws adopted before independence will remain in force. Much of this legislation, however, assigns competencies to various UNMIK organs and thus needs to be updated to reflect Kosovo authority. In six cases, the legislation deals with key issues where competencies need to be transferred and responsibility clarified quickly: pensions, the Independent Commission for Mines and Minerals, telecommunication, water services, energy regulation, and resolution of property claims. These laws went through an UNMIK-led working group process last summer to distribute competencies to local authorities, but UNMIK recently indicated its unwillingness to issue the relevant updated regulations. As a result, these laws have been added to the Ahtisaari "box" and will be amended using the same expedited process as the Ahtisaari laws.

14. (C) Most of the activity in the Assembly has been smooth and trouble-free. The first tranches sailed through the Assembly with an average of 80 votes each. There has been only one notable exception: the Law on Official Holidays scraped by on May 23 with only 46 votes, with a wholesale abandonment of the opposition - four "yes" votes out of 34 opposition MPs (not all of whom were even present at the session). This lackluster vote followed four days of lobbying from USEP and the International Civilian Office, as well as a substantive amendment adding three Albanian and eight minority "memorial days" into the law. (Note: These memorial days will not have the force of official holidays, i.e., they will have to be annually decreed by the government and there will be no official government closures on these dates. End Note.) The Official Holidays Law had symbolic power in the eyes of the public and therefore its passage was particularly sensitive; we do not anticipate this kind of debate over the remaining laws.

15. (C) COMMENT: Kosovo has made very credible progress on passing important and complex Ahtisaari laws within the timeframe mandated for transition. Perhaps a year ago, no one would have predicted such a thing was possible, but the Kosovo government and opposition has delivered. Soon the next phase of Ahtisaari will begin -- implementation -- requiring the coordinated and concerted effort of the Embassy, ICO, and key Kosovo stakeholders. END COMMENT.
KAIDANOW